

Testimony of Rep. Chris Gibson (NY-19)

Subcommittee on Disability Assistance and Memorial Affairs

H.R. 1494, the Blue Water Navy Ship Accountability Act

Friday, June 28th, 2013

Executive Summary

Under current law, Blue Water Navy Veterans who did not set foot in Vietnam or serve aboard ships that operated on the inland waterways of Vietnam between January 9, 1962 and May 7, 1975 have the burden of proof to demonstrate exposure to Agent Orange and the connection to their illnesses. These claims are decided on a case-by-case basis.

The Bureau of Veterans Affairs maintains a list of U.S. Navy and Coast Guard ships that operated within the vicinity of Vietnam. Some offshore vessels docked to the shore of Vietnam, operated in Vietnam's close coastal waters and sent smaller vessels ashore.

My bill would direct the Joint Services Records Research Center to do a comprehensive search to determine which ships are eligible for coverage under current law, reducing the wait time when new claims are filed. This would help Veterans who are currently sick or, in some cases, have died and claims are being made by their surviving families.

The bill enjoys the support of major veterans organizations such as the American Legion, the Veterans of Foreign Wars, the Military Officers Association of America, the Military Coalition, the Vietnam Veterans Association, the Association of the U.S. Navy, and the Blue Water Navy Vietnam Veterans Association.

I would like to begin by thanking the Chairman, the Ranking member, and members of the Committee for holding this hearing. I sincerely appreciate the opportunity to come before the Committee to discuss H.R. 1494, the Blue Water Navy Ship Accountability Act, an important bill designed to help our Blue Water Navy Vietnam Veterans.

During the Vietnam War, the U.S. Army sprayed 20 million gallons of the herbicide “Agent Orange” to remove jungle foliage from the Vietnam terrain. Agent Orange contains dioxin, a toxic chemical residue found in locations where Agent Orange was used or stored. The U.S. Government has since linked dioxin to harmful or serious medical conditions affecting those who served in or around Vietnam, including non-Hodgkins Lymphoma, prostate and other cancers, Type II Diabetes, and Parkinson’s disease.

Recognizing the debt owed to veterans who were exposed to Agent Orange, Congress passed, and President George H.W. Bush signed into law, the Agent Orange Act of 1991. The 1991 law empowered the Secretary of Veterans Affairs to declare certain illnesses to be presumed to have been caused by exposure to Agent Orange and enabled Vietnam veterans to receive disability compensation for related conditions. However, in 2002, the VA limited the scope of these “presumptive” illnesses covered within the Act to only those veterans who could

provide proof that they had “boots on ground” in Vietnam. Boots on the ground encompassed land forces and the riverine, or Brown Water Navy. As a result, veterans who served in the waters off the coast of Vietnam, commonly called “blue water veterans,” were forced to file individual claims with the VA to restore their benefits. The VA has denied 32,880 such claims through 2009.

Under current law, Blue Water Navy Veterans who did not set foot in Vietnam or serve aboard ships that operated on the inland waterways of Vietnam between January 9, 1962 and May 7, 1975 have the burden of proof to demonstrate exposure to Agent Orange and the connection to their illnesses. These claims are decided on a case-by-case basis.

The Bureau of Veterans Affairs maintains a list of U.S. Navy and Coast Guard ships that operated within the vicinity of Vietnam. Some offshore vessels docked to the shore of Vietnam, operated in Vietnam's close coastal waters and sent smaller vessels ashore, or conducted operations on the inland waterways of Vietnam. Current VA policy for when a Veteran files an Agent Orange exposure-related claim requires the VA Regional Office to forward a request for research to the Department of Defense's Army and Joint Services Records Research Center (JSRRC). Evidence confirmed through military records must show that the Veteran was aboard one of these ships that operated close

to shore in order to receive benefits. However, the list is imperfect and not comprehensive.

Our Vietnam Veterans should not be made to wait any longer than necessary to receive their benefits. My bill would direct the JSRRC to do a comprehensive search to determine which ships are eligible for coverage under current law, reducing the wait time when new claims are filed. This would help Veterans who are currently sick or, in some cases, have died and claims are being made by their surviving families. Passage of this bill will alleviate some of the current VA Claims backlog our veterans are facing by proactively determining what we know today, rather than waiting until tomorrow when claims are made.

In closing, I would also like to point out that the Congressional Budget Office has indicated H.R. 1494 will have no significant cost and the bill enjoys the support of major veterans organizations such as the American Legion, the Veterans of Foreign Wars, the Military Officers Association of America, the Military Coalition, the Vietnam Veterans Association, the Association of the U.S. Navy, and the Blue Water Navy Vietnam Veterans Association. It researches available documents to determine who is eligible under current law to receive presumptive coverage for exposure to Agent Orange. Thank you, Mr. Chairman, I look forward to any questions your subcommittee may have.